UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BARRY CUMMINGS and HARRY CUMMINGS, Jr.,

Administrator of Estate of Mary Louise

Cummings, Deceased

CIVIL ACTION

Plaintiffs,

No. 11-02691

ALLSTATE INSURANCE COMPANY,

v.

.

Defendant.

ORDER

AND NOW this 30th day of September, 2011, upon consideration of Defendant, Allstate Insurance Company's ("Allstate") Motion to Dismiss (Doc. No. 9) and the response thereto, it is hereby **ORDERED** that Allstate's Motion to Dismiss is **DENIED**.

BY THE COURT

/s/ ROBERT F. KELLY ROBERT F. KELLY SENIOR JUDGE